

Ferrara Law Group, P.C.



August 5, 2021

VIA ECF

Honorable Leda Dunn Wettre, U.S.M.J.
United States Magistrate Judge
King Federal Building & United State Courthouse
50 Walnut Street
Newark, NJ 07101-0999

RE: Gross-Quatrone v. Mizdol, et al.
Case No.: 2:17-cv-13111-SDW-LDW

Dear Judge Wettre:

As you are aware, this office is co-counsel with the Dwyer Law Firm and represents the plaintiff in the above matter presently pending before you. An appeal of your decision concerning the production of the Ghilain report will be filed Monday August 9th which, under the rules, would be returnable September 7th. Although we are presently unaware of the exact timing of the ultimate decision as Judge Neals may reach a decision earlier, all parties agree that the deposition of the plaintiff should not take place until that decision is made.

In anticipation of that decision, the plaintiff has agreed to appear for her deposition on August 16th in case the decision is rendered before then. Prior thereto and pursuant to Your Honor's directive, the four (4) defendant witnesses (3 parties and Judge Grant) had already been scheduled to take place on dates provided by the defendants. In fact, Judge Grant's deposition is presently scheduled for August 17th which would be after plaintiff's deposition assuming Judge Neals renders his decision before then.

Unilaterally and for no reason given, Kathleen Dohn has advised us that she is now changing the date of Judge Grant's deposition and will not agree to produce him on August 17th as previously agreed upon. Again, this was one of the limited dates that Judge Grant provided to plaintiff's counsel that he would be available for his deposition. There is absolutely no reason, at least none given, that Judge Grant's deposition, not proceed on the 17th no matter what may happen with respect to plaintiff's deposition. In addition, and contrary to Your Honor's preferences concerning the location of the deposition, the defendants insist that Judge Grant's deposition take place at the Essex County Courthouse and that the three defendants depositions take place at the Bergen County Courthouse. Your Honor had previously indicated during a prior conference that the Court was not a fan of

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IFG

depositions taking place in courthouses. Indeed, the defendants wish that three (3) of the four (4) depositions take place at the very courthouse where the activities that give rise to the Complaint in the first place took place. The defendants wish that the plaintiff be forced to attend depositions in the very place that continues to haunt her and add to her mental and physical damages in this case. Based on the record of this case, I am sure her medical providers would not be in favor of plaintiff returning to the courthouse.

Your Honor was quite clear when defendants wished to take the plaintiff's deposition in the Federal Courthouse that the depositions should take place instead in the attorney's office of that party. We are certainly willing and fully expected to take the deposition of the three (3) defendants and Judge Grant at Brown & Connery in Westmont, NJ. We even offered Brown & Connery the opportunity to select another attorney's office that would be convenient for the parties to take the depositions and have also offered offices in Bergen County and Essex County for the purpose of the deposition, but defendants have insisted that the depositions take place in the courthouse as indicated. Relevant e-mail communications are attached.

Respectfully, we would ask that Your Honor conduct a brief conference to resolve these matters. There is no reason that the deposition dates previously selected and offered by the defendants not take place regardless of the timing and ultimate outcome of Judge Neals' decision especially in light of the fast approaching discovery end date.

Thank you for your consideration.

Respectfully yours,

FERRARA LAW GROUP, P.C.

RALPH P. FERRARA

RPF/lrp

Enclosures

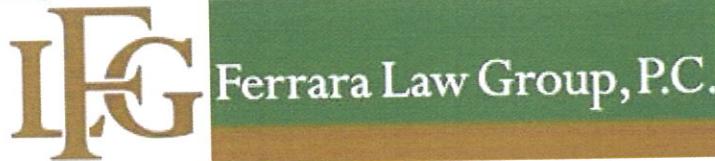
cc: Kathleen E. Dohn, Esquire (w/enclosures) (via ECF)

Lori Porter

From: Ralph Ferrara
Sent: Thursday, August 5, 2021 3:10 PM
To: Lori Porter
Subject: FW: Gross-Quatrone v. Mizdol, et al.

PLEASE NOTE OUR NEW ADDRESS

Ralph P. Ferrara, Esq.
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From: Kathleen Dohn <kdohn@brownconnery.com>
Sent: Wednesday, July 14, 2021 9:52 AM
To: Ralph Ferrara <Ralph@Ferraralawgp.com>; Kevin Kotch Esq <kevin@Ferraralawgp.com>; Andrew Dwyer <andy@thedwyerlawfirm.com>
Cc: Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>
Subject: Gross-Quatrone v. Mizdol, et al.

Good morning,

Below is availability for the depositions of Judge Mizdol, Judge Grant, Laura Simoldoni, and Diana Moskal.

Judge Mizdol: August 17, 18, September 2, 3, 7, 8,
Judge Grant: August 17, 18, September 17, 22
Laura Simoldoni: August 17, 18, September 2, 3, 7, 8
Diana Moskal: September 2, 3, 14-17

As I am sure you can appreciate, Judge Grant's and Judge Mizdol's calendars are extraordinarily busy. Please let us know as soon as possible which dates work so they can release the other dates.

Thanks,
Kate



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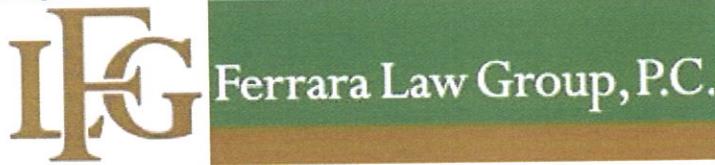
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From: Kathleen Dohn <kdohn@brownconnery.com>
Sent: Thursday, July 15, 2021 5:46 PM
To: Ralph Ferrara <Ralph@Ferraralawgp.com>; Kevin Kotch Esq <kevin@Ferraralawgp.com>; Andrew Dwyer <andy@thedwyerlawfirm.com>
Cc: Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>; Lori Porter <Lori@Ferraralawgp.com>
Subject: RE: Gross-Quatrone v. Mizdol, et al.

Ralph,

Received. I know that Diana Moskal has caretaking responsibilities and would prefer to stay in Bergen County for that reason. I will provide you with a location shortly.

I am sorry, but I cannot consent to your request to move Judge Gross Quatrone's deposition. It has been difficult to schedule. In addition, I have full day mediations in Atlantic County August 3, 4, and 5th, a deposition on the 6th, and a Plaintiff's deposition on August 10th, so my schedule is too tight those first two weeks of August.

Thanks,
Kate



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From: Ralph Ferrara <Ralph@Ferraralawgp.com>

Sent: Thursday, July 15, 2021 7:00 AM

To: Kathleen Dohn <kdohn@brownconnery.com>; Kevin Kotch Esq <kevin@Ferraralawgp.com>; Andrew Dwyer

<andy@thedwyerlawfirm.com>

Cc: Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>; Lori Porter

<Lori@Ferraralawgp.com>

Subject: RE: Gross-Quatrone v. Mizdol, et al.

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Kate we will take the depositions in the following order based on your offered dates:

Judge Grant 8/17

Ms Moskal 9/2

Ms. Simoldoni 9/3

Judge Mizdol 9/7

All depositions will begin at 9:30am and will be taken at your firm's offices in Westmont. Lori please schedule our court reporter and notices will be sent.

Now that all depositions are scheduled we would ask for your professional courtesy based on my personal schedule to move Judge Gross Quatrone's deposition to the first or second week of August but still to take place before the initial deposition on your side. My trial schedule is necessitating this request in order to properly prep for those matters. Again my schedule may prevent me from defending the deposition but it would be less harrowing either way if we could adjourn for what amounts to a few days. I'm sure Judge Wettre wouldn't mind us going past the 30th if we both agreed.

Thanks for your considerations.

From: Kathleen Dohn <kdohn@brownconnery.com>

Sent: Wednesday, July 14, 2021 9:52 AM

To: Ralph Ferrara <Ralph@Ferraralawgp.com>; Kevin Kotch Esq <kevin@Ferraralawgp.com>; Andrew Dwyer

<andy@thedwyerlawfirm.com>

Cc: Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>

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Partner

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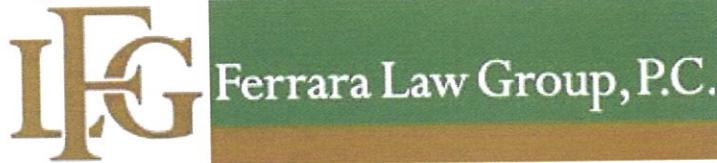
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From: Ralph Ferrara
Sent: Thursday, August 5, 2021 3:11 PM
To: Lori Porter
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From: Kathleen Dohn <kdohn@brownconnery.com>
Sent: Wednesday, July 21, 2021 9:25 AM
To: Ralph Ferrara <Ralph@Ferraralawgp.com>
Cc: Andrew Dwyer <andy@thedwyerlawfirm.com>; Kevin Kotch Esq <kevin@Ferraralawgp.com>; Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>
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Ralph,

Given where my clients and Judge Grant are located, we will not be holding the defense depositions at B&C. We will reserve a conference room at the Essex County Courthouse for Judge Grant's deposition. We will reserve a conference room at the Bergen County Courthouse for the depositions of Judge Mizdol, Laura Simoldoni and Diana Moskal.

Please let us know how many people will be in attendance at each deposition so we can reserve an appropriately sized conference room.

Thanks,
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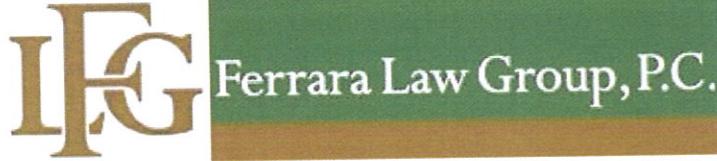
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Lori Porter

From: Ralph Ferrara
Sent: Thursday, August 5, 2021 3:12 PM
To: Lori Porter
Subject: FW: Gross-Quatrone v. Mizdol

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Sent: Wednesday, July 21, 2021 11:02 AM
To: Andrew Dwyer <andy@thedwyerlawfirm.com>; Ralph Ferrara <Ralph@Ferraralawgp.com>
Cc: Kevin Kotch Esq <kevin@Ferraralawgp.com>; Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>
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Andy,

That is not accurate. We requested that Plaintiff's deposition be held at the federal courthouse due to our expressed concern that we might need the Court's intervention. Judge Wettre did not see a need for it to be held at the federal courthouse. We did not discuss it being at any other courthouse. I see no reason why we cannot accommodate Judge Grant by holding it at the Essex Courthouse and the named defendants by holding it at the Bergen Courthouse where they work and Ms. Moskal previously worked.

Kate



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From: Andrew Dwyer <andy@thedwyerlawfirm.com>
Sent: Wednesday, July 21, 2021 10:57 AM
To: Kathleen Dohn <kdohn@brownconnery.com>; ralph@ferraralawgp.com
Cc: Kevin Kotch Esq <kevin@ferraralawgp.com>; Christine O'Hearn <cohearn@brownconnery.com>; Kayla L. Louis <klouis@brownconnery.com>
Subject: RE: Gross-Quatrone v. Mizdol

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Hi Kate

It's my understanding that Judge Wettre expressed her view that she preferred the depositions *not* take place in the Courthouses. My office in Newark is available and can easily accommodate parties in this case regardless of who attends the depositions. So our preference would be to hold the depositions there, rather than at the Courthouses. Alternatively, we suggest holding the depositions in some other attorney's office. Please advise.

Andy

PLEASE NOTE WE HAVE MOVED OUR OFFICE!

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Lawyers Working For Working People

From: Kathleen Dohn [<mailto:kdohn@brownconnery.com>]
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